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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,019	05/31/2001	Gerald Keith Sosalla	16214A	8208

23556 7590 10/20/2003

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EXAMINER

TRAN, LOUIS B

ART UNIT PAPER NUMBER

3721

DATE MAILED: 10/20/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,019

Applicant(s)

SOSALLA, GERALD KEITH

Examiner

Louis B Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/08/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6,18,19,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,18,19,22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment, Paper No. 16, received on 09/08/2003. Applicant's cancellation of claims 4,7, and 21 in Paper No. 16 is acknowledged.

Drawings

2. The drawings were received on 09/08/2003. These drawings are approved.

Terminal Disclaimer

3. The terminal disclaimer filed on 09/08/2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of USPN 6,612,462, application 09/871,020, has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,2,5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig et al. (6,286,712) in view of Mertens (4,768,810).

Craig et al. discloses the invention substantially as claimed including a stack of fan folded material, each clip comprising a plurality of fan folded sheets formed from a unitary web of material, each clip joined to an adjacent clip by a last sheet of one clip being adhesively joined to a first sheet of a succeeding clip (as in claim 1), wherein

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separably joined comprises adhesively joined (as in claim 5), wherein a liquid in is in combination with the stack of fan folded material (as in claim 6) as discussed in column 1, line 21, but does not show each sheet joined to at least one adjacent sheet by a weakened line wherein weakened line is formed in the machine direction of the sheets and the weakened line is located at an end of each sheet when such sheet joins the end of the adjacent sheet by the weakened line and the plurality of fan folded sheets comprise fold lines formed in a machine direction of the sheets (as in claim 1), wherein the weakened line comprises perforations (as in claim 2), the liquid at an add-on rate of about 25 to about 600 weight percent based on dry weight of the stack of fan folded material (as in claim 6).

However, Mertens teaches the use of each sheet joined to at least one adjacent sheet by a weakened line 12, 25 as seen in Figure 1 and 2 wherein weakened line is formed in the machine direction of the sheets and the weakened line is located at an end of each sheet when such sheet joins the end of the adjacent sheet by the weakened line (as in claim 1), wherein the weakened line 12,25 comprises perforations (as in claim 2), for the purpose of allowing individual sheets of uniform size to be torn evenly as discussed in column 2, line 42.

Therefore, it would have been obvious to one having ordinary skill in the art to provide Craig et al. with perforation in order to easily tear individual sheets evenly.

With respect to claim 6, Craig et al. discloses the claimed invention except for having the liquid at an add-on rate of about 25 to about 600 weight percent based on dry weight of the stack of fan folded material . It would have been obvious to one having

ordinary skill in the art at the time the invention was made to find an optimum range for liquid application, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

6. Claims 18,19,22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig et al. (6,286,712) in view of Mertens (4,768,810).

Craig et al. discloses the invention substantially as claimed including a stack of fan folded material, each clip comprising a plurality of fan folded sheets formed from a unitary web of material, and each clip joined to an adjacent clip by a sheet of one clip being serarably joined to a different sheet of a succeeding clip (as in claim 18), wherein separably joined comprises adhesively 17,18 joined (as in claim 22) but does not show each sheet joined to at least one adjacent sheet by weakened line.

However, Mertens teaches the use of each sheet joined to at least one adjacent sheet by weakened line 12, 25 wherein the weakened line is formed in a machine direction of the sheets and the weakened line is located at an end of each sheet when such sheet joins the end of the adjacent sheet by the weakened line and the plurality of fan folded sheets comprises fold lines formed in a machine direction of the sheets as seen in Figure 1 and 2 (as in claim 18), and wherein the weakened line comprises perforations as in Figure 1 (as in claim 19), for the purpose of allowing individual sheets of uniform size to be torn evenly as discussed in column 2, line 42.

Therefore, it would have been obvious to one having ordinary skill in the art to provide Craig et al. with a weakened line in order to easily tear individual sheets evenly.

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Craig et al. discloses the claimed invention except for having the liquid at an addition rate of about 25 to about 600 weight percent based on dry weight of the stack of fan folded material (as in claim 23). It would have been obvious to one having ordinary skill in the art at the time the invention was made to find an optimum range for liquid application, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Conclusion

7. Applicant's remarks have been fully considered but are deemed non-persuasive. Applicant contends that Craig et al. teaches interfolded webs and does not have weakened lines. However, as examiner has shown, Mertens teaches the use of weakened lines comprising perforations to allow for tearing and is proper within the 103(a) rejection above.

Moreover, applicant contends that the machine direction is defined throughout the specification and Mertens shows the perforations in a cross machine direction. Again, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., machine direction as described in the specification) are not recited in the rejected claim(s). The claims merely state "machine direction". Claims are given their broadest reasonable interpretation.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

For the reasons above, the grounds of rejection are deemed proper.

8. ~~THIS ACTION IS MADE FINAL.~~ Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis B Tran whose telephone number is 703-305-0611. The examiner can normally be reached on 8AM-6PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

lbt

A handwritten signature in black ink, appearing to read 'Rinaldi I. Rada', with a stylized flourish at the end.

Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700